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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>31 May 2006</u>.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-13</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-13</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>13 May 2006</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>05/31/2006</u>.

4)☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1. Claims 1-13 are currently pending this application.

Priority

2. Applicant's claim for foreign priority under 35 U.S.C. 119 (a) is

acknowledged based on PCT/EP04/53135.

Information Disclosure Statement (IDS)

3. The information disclosure statement (IDS) filed on 05/31/2006 is in

compliance with the provisions of 37 CFR 1.97 and have been considered.

Claim Objections

4. Claim 1 objected to because of the following informalities: claim 1 in line 3

recites "database (5)", which must be corrected by deleting "(5)". Appropriate

correction is required.

5. Line 25 of claim 1 ends with a "period" (.), that is, "by elements already

positioned.", which must be corrected by replacing "." with an ",".

Claim Rejections - 35 USC § 112

6. The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and
> process of making and using it, in such full, clear, concise, and exact terms as to enable any
> person skilled in the art to which it pertains, or with which it is most nearly connected, to make
> and use the same and shall set forth the best mode contemplated by the inventor of carrying
> out his invention.

7. Claim 1-10 rejected under 35 U.S.C. 112, second paragraph, as failing to

set forth the subject matter which applicant(s) regard as their invention.

As per claim 1, the claim in line 17 recites "the element". There is no proper antecedent for the limitation "the element".

By virtue of their dependency on claim 1, claims 2-10 are also rejected under 35 U.S.C. 112, second paragraph, as failing to set forth the subject matter which applicant(s) regard as their invention.

Similarly, claim 1 in line 26 recites "the initial specification", claim 1 in line 27 recites "the arrangement means", and claim 1 in line 28-29 recites "the predefinition". There are no proper antecedents for said limitations.

Therefore, claim 1 and its dependent claims are all rejected under 35 U.S.C. 112, second paragraph, as failing to set forth the subject matter which applicant(s) regard as their invention.

Claim Rejections - 35 USC § 102

8.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9.   Claims 1-7 and 9-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Jannink (U.S. Patent Number 7268791).

As per claim 1, Jannink is directed to a device for processing information
in a database (Jannink, Figure 4, "412" and Jannink, col. 5 lines 32-39, i.e., *"In
the system shown in FIG. 4, a user 405 of **a computer 412** containing a client
browser 410 (as is well known and understood in the art) can send a request 415
via a distributed computer network (such as the Internet) to a web server 420";*
Jannink, Figure 5, showing "database 550" and "Chart Server 510") and teaches
the limitations:

"**means for the selection of data of the database according to
selection criteria**" (Jannink, Figure 3, i.e., *" Determine an item from the data set
320";* Jannink, col. 3 lines 49-51, i.e., *" As a preparatory step in the information
structuring phase, an item from the data set can be selected in step 320";*
Jannink, Figure 5, i.e.., "Database 550" and "query q (object) (if not in cache)";
Jannink, Jannink, col. 5 lines 32-39, i.e., *"In the system shown in FIG. 4, a user
405 of a computer 412 containing a client browser 410 (as is well known and
understood in the art) can send a request 415 via a distributed computer network
(such as the Internet) to a web server 420";* Note that a user's "request" for a
data item from a database is a "criterion" by which requested data is selected;),

and "**means for arranging the selected data in a representation space
provided for the attention of at least one user**" (Jannink Figure 1 and 2;
Jannink, Abstract, i.e., *" A visualization of a set of related data items is
accomplished by ranking a plurality of secondary data items with respect to their
relationship to a principal data item";* Jannink, col. 3 lines 37-43, i.e., *"FIG. 3 is a
flow chart depicting a method for visualization of large interrelated data sets,*

according to the present invention. According to this method, the <u>visualization of</u>

<u>data sets containing a large number of items from data sets</u> having two

properties, namely that subsets of items in a data set relate to each other, and

the relationships between items have a value associated with each other, is

enabled"), **the space comprising a plurality of positions which can receive**

elements that are representative of the data (Jannink Figure 1 and 2; Jannink,

Col. 3 lines 5-6, i.e., *"In an embodiment, the affinity chart 129 may consist of a*

*single list of textual or <u>**graphical items**</u> and associated links. The <u>principal item</u>*

131, <u>related items 132</u> and 142, first sequence elements 135, 145, and second

sequence elements 136, 146 may all appear as items of the list"),

       "wherein it comprises:

             means for pre-defining at least one related representation area

within the representation space, formed by activated positions" (Jannink,

col. 2, lines 64-66, i.e., *" Adjacent to the principal item 131 and at one end of a*

selected strings <u>of related items</u> 132 and 142 are respective first sequence

element 135 and 145"; Jannink, Jannink, col. 3 lines 37-43, i.e., *"FIG. 3 is a flow*

chart depicting a method for <u>visualization of large interrelated data sets</u>,

according to the present invention. According to this method, the <u>visualization of</u>

<u>data sets</u> containing a large number of items from data sets having two

properties namely that subsets of items in a data set <u>relate to each other</u>, and the

<u>relationships between items</u> have a value associated with each other, is

enabled"),

"**means for specifying at least one data bootstrapping element for each of the related areas**" (Jannink, col. 3 lines 49-51, i.e., "*As a preparatory step in the information structuring phase, an item from the data set can be selected in step 320*"),

"**means for positioning the bootstrapping element at a bootstrapping position in the related area corresponding to the element**" (Jannink, col. 4 lines 1-3, i.e., "*related to principal node 131*", ; Note that principal node 131 is the bootstrapping element which is positioned first),

"**means for successively determining new data elements from at least a data element already positioned in related area**" (Jannink, col. 3 lines 49-60, i.e., "*As a preparatory step in the information structuring phase, an item from the data set can be selected in step 320. Local rankings of the relationships between items can be established in step 324, by ranking for each selected item j the items i that relate to that item j, and then ranking all items k to which item j relates, thereby ranking the affinity for each item j to item sets i and k*"), "**in accordance with at least one proximity order relation based on contents of the data**" (Jannink, col. 3 lines 58-62, i.e., "*To determine how an item relates to another item, the strength of the relationship between the items can be computed using any combination of objective or subjective criteria, or a combination of both*"; Jannink, col. 4 lines 4-16, i.e., "*To determine both item set i and item set k in FIG. 1, both objective and subjective criteria related to The Beatles could be used. Objective criteria used to determine the relationships between various musical bands could include, for example, the era in which the band played (e.g.*

1960s), and the genre of the music (e.g. rock, British Invasion, pop). Subjective criteria could include, for example, how well liked the band is based on feedback from users, and how often two bands appear together in radio station play lists"),

"and means for automatically and successively positioning at least a part of the new data elements in the related area, at positions neighboring the positions occupied by the data elements already positioned" (Jannink, col. 3 lines 49-60, i.e., *"As a preparatory step in the information structuring phase, an item from the data set can be selected in step 320. Local rankings of the <u>relationships between items can be established in step 324</u>, by ranking for each selected item j the items i that relate to that item j, and then ranking all items k to which item j relates, thereby ranking the affinity for each item j to item sets i and k"* ; Jannink, col. 3 lines 58-62, i.e., *"To determine how an item relates to another item, <u>the strength of the relationship</u> between the items can be computed using any combination of objective or subjective criteria, or a combination of both"*; Jannink, col. 4 lines 4-16, i.e., *" To determine both item set i and item set k in FIG. 1, both objective and subjective criteria related to The Beatles could be used. Objective criteria used to determine the relationships between various musical bands could include, for example,<u> the era </u>in which the band played (e.g. 1960s), and <u>the genre of the music</u> (e.g. rock, British Invasion, pop). Subjective criteria could include, for example, how well liked the band is based on feedback from users, and how often two bands appear together in radio station play lists";* <u>Note that "the era" and "the genre of the music" are at least a part of new data elements which relate to the data element(s) already</u>

positioned;), "**if these positions no be already occupied by elements already positioned**" (Jannink, col. 4 lines 42-45, i.e., *"Next a visualization can be generated, by presenting results separately for each item in a predetermined data set and adjusting the presentation <u>to avoid information overlap and overload"</u>;*   Jannink, col. 4 lines 62-63, i.e. *"In step 354, the related item can be individually spaced on the affinity chart by its rank, with each item being placed in <u>a non-overlapping position</u> by allowing sufficient vertical and horizontal displacement in step 358"),*

"**said selection means including the initial specification and successive determination means**" (Jannink, col. 4 lines 1-3, i.e., *" related to <u>principal node 131",</u>* ; Note that principal node 131 is the bootstrapping element which is positioned first; Jannink, col. 3 lines 58-62), and "**the arrangement means including the predefinition, bootstrapping element positioning and successive positioning means**" (Jannink, col. 4 lines 1-3, i.e., *" related to <u>principal node 131",</u>* ; Note that principal node 131 is the bootstrapping element which is positioned first; Jannink, col. 3 lines 58-62).

As per claim 2, Jannink teaches the limitations:

"**wherein the successive determination and successive positioning means are provided to form neighborhood cards centered on the elements already positioned**" (Jannink, col. 3 lines 49-60; Jannink, col. 3 lines 58-62 ;), "**each of the neighborhood cards centered on one of the elements already positioned giving elements neighboring the element in accordance with the**

proximity order relation" (Jannink, col. 3 lines 58-62; Jannink, col. 4 lines 4-16),

and "to select the new elements from the neighboring elements and to place

them in the related area corresponding to the element already positioned at

positions neighboring the element" (Jannink, col. 3 lines 49-60; Jannink, col. 3

lines 58-62; Jannink, col. 4 lines 4-16).

As per claim 3, Jannink teaches the limitations:

"**wherein the successive determination and successive positioning

means are provided to place the neighboring elements at positions relative

to the element in the related area, which correspond to the positions

relative to the element of the neighboring elements in the neighborhood

card**" (Jannink, col. 3 lines 49-60; Jannink, col. 3 lines 58-62; Jannink, col. 4

lines 4-16).

As per claim 4, Jannink teaches the limitation:

"**wherein the successive determination and successive positioning

means are provided to supply the neighborhood cards to representation

means for the attention of the user**" (Jannink Figure 1 and 2; Jannink,

Abstract, i.e., " A _visualization of a set of related data_ items is accomplished by

ranking a plurality of secondary data items with respect to their relationship to a

principal data item").

As per claim 5, Jannink teaches the limitation:

"wherein the successive determination means are provided to
exclude from the new data elements, the data elements already positioned,
so as to represent, at the most once, each of the data elements in the
representation space" (Jannink, col. 4 lines 42-45, i.e., *"Next a visualization can
be generated, by presenting results separately for each item in a predetermined
data set and adjusting the presentation to avoid information overlap and
overload";* Jannink, col. 4 lines 62-63, i.e. *"In step 354, the related item can be
individually spaced on the affinity chart by its rank, with each item being placed in
a non-overlapping position by allowing sufficient vertical and horizontal
displacement in step 358"*).

As per claim 6, Jannink teaches the limitation:

"wherein the successive determination and successive positioning
means are provided to determine and position the new elements as and
when there are selections by the user, in the representation space, of
positions neighboring the positions occupied by the data elements already
positioned" (Jannink, col. 5 lines 15-19, i.e., *"Once the selected item and its
associated affinity curves from the data set have been hyperlinked, navigation by
the user can occur by the user clicking to connect to a selected related affinity
chart'";* Jannink, col. 7 lines 18-20, i.e. *"Each search link 714 can permit a user to
produce a page that has search results or additional information about the
selected item"*).

As per claim 7, Jannink teaches the limitation:

"**wherein the successive determination means are intended to use,
for the proximity order relation, at leas one of the relations based one: a
number of identical terms in the contents, a number of similar terms for a
predefined part of the contents, a deference in dates in the contents, a
number of similar graphic patterns in the contents, and a number of similar
sound patents in the contents**" (Jannink, col. 3 lines 58-62, i.e., *To determine
how an item relates to another item, <u>the strength of the relationship</u> between the
items can be computed using any combination of objective or subjective criteria,
or a combination of both"; Jannink, col. 4 lines 4-16, i.e., " To determine both item
set i and item set k in FIG. 1, both objective and subjective criteria related to The
Beatles could be used. Objective criteria used to determine the relationships
between various musical bands could include, for example, the era in which the
band played (e.g. 1960s), and the genre of the music (e.g. rock, British Invasion,
pop). Subjective criteria could include, for example, how well liked the band is
based on feedback from users, and how often two bands appear together in
radio station play lists"*).

As per claim 9, Jannink teaches the limitation:

"**wherein the means for pre-defining the related area are provided to
allow a user to construct the related area**" (Jannink, col. 3 lines 49-60, i.e., *"As
a preparatory step in the information structuring phase, an item from the data set
can be selected in step 320. Local rankings of the <u>relationships between items</u>*

can be established in step 324, by ranking for each selected item j the items i

that relate to that item j, and then ranking all items k to which item j relates,

thereby ranking the affinity for each item j to item sets i and k").

As per claim 10, Jannink teaches the limitation:

"**wherein the initial specification means are provided, in case of**
definition of several related areas by the predefinition means, to specify a
first data bootstrapping element in one of the related areas, then to specify
the other bootstrapping elements from the first bootstrapping element by
means of the proximity order relation" (Jannink, Col. 5 lines 12-21, i.e.,

"During information linking phase 315, the sequence of affinity charts for a

selected item can be hyperlinked in step 366. Each related item can then be

linked to its own chart in step 370. Once the selected item and its associated

affinity curves from the data set have been hyperlinked, navigation by the user

can occur by the user clicking to connect to a selected related affinity chart.

Further, as a result of information linking phase 315, each item may have

separate features that can be activated by the user clicking on those features").

As per claim 11, Jannink teaches the limitation:

"**the apparatus being preferentially chosen from a television set, a**
personal digital assistant and a personal computer" (Jannink, col. 5 lines 32-

39, i.e., *"In the system shown in FIG. 4, a user 405 of __a computer 412__ containing*

a client browser 410).

Claim 12 is rejected on the same basis as claim 1.

Claim 13 is rejected on the same basis as claim 12.

Claim Rejections - 35 USC § 103

10.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for

all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as
> set forth in section 102 of this title, if the differences between the subject matter sought to be
> patented and the prior art are such that the subject matter as a whole would have been obvious at
> the time the invention was made to a person having ordinary skill in the art to which said subject
> matter pertains. Patentability shall not be negatived by the manner in which the invention was
> made.

11.   This application currently names joint inventors. In considering

patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that

the subject matter of the various claims was commonly owned at the time any

inventions covered therein were made absent any evidence to the contrary.

Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor

and invention dates of each claim that was not commonly owned at the time a

later invention was made in order for the examiner to consider the applicability of

35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35

U.S.C. 103(a).

3.   Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over

Jannink in view of Spratt (U.S. Patent Application Publication Number

20020040326).

As per claim 8, Jannink does not explicitly teach the limitation: "(to specify bootstrapping elements) according to a user profile". Note that Jannink teaches specifying bootstrapping elements.

Spratt teaches specifying next item to download based on a user profile (Spratt, paragraph 0047, i.e., "*It is also possible to effect selection off-line--for example, the content server can decide what content items it will next download to the mobile device, when the latter is next cradled, <u>on the basis of a stored copy of the relevant user preference profile,</u> notwithstanding that the profile may not be fully up to date*").

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to add the feature of specifying an data item based on user profile, as taught by Spratt, to the device of Jannink so that the resultant device would specify bootstrapping elements according to a user profile. One would have been motivated to do so in order to "personalize download selections according to a user's perceived tastes" (Spratt, paragraph 0001).

Contact Information

12.   Any inquiry concerning this communication or earlier communications from

the examiner should be directed to DENNIS MYINT whose telephone number is

(571)272-5629. The examiner can normally be reached on 8:30AM-5:30PM

Monday-Friday.

        If attempts to reach the examiner by telephone are unsuccessful, the

examiner's supervisor, John Breene can be reached on (571) 272-4107. The fax

phone number for the organization where this application or proceeding is

assigned is 571-273-8300.

        Information regarding the status of an application may be obtained from

the Patent Application Information Retrieval (PAIR) system. Status information

for published applications may be obtained from either Private PAIR or Public

PAIR. Status information for unpublished applications is available through

Private PAIR only. For more information about the PAIR system, see http://pair-

direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-

free). If you would like assistance from a USPTO Customer Service

Representative or access to the automated information system, call 800-786-

9199 (IN USA OR CANADA) or 571-272-1000.

/Dennis Myint/
Examiner, Art Unit 2162

/John Breene/
Supervisory Patent Examiner, Art Unit 2162